

REMARKS

Claims 1-10 are pending in this application. In the Office Action, the pending claims were rejected as follows: Claims 1-4 and 6-10 were rejected as being unpatentable under 35 U.S.C. §103(a) over U.S. Patent No. 6,374,089 (“Till”) in view of U.S. Patent No. 6,314,183 (“Pehrsson et al.”); and Claim 5 was rejected under 35 U.S.C. §103(a) as being unpatentable over Till and Pehrsson et al. in view of WO 92/09163 (“Wohl et al.”).

Claims 1, 4 and 5 have been amended. Claim 9 has also been amended to correct a spelling error. No new subject matter has been presented.

Claims 1 and 9 are the independent claims pending in this application. Claims 1 and 9 were rejected in view of the combination of Till and Pehrsson et al.

Claim 1 has been amended to include subject matter formerly presented in Claim 5. In regard to Claim 5, the Examiner admitted that “the modified Till...does not disclose the method of using a light/photo sensor to detect opening/closing of the sub-body” (Office Action, top of page 5), and cited Wohl et al. as allegedly curing this defect.

Wohl et al. teaches positioning a light sensitive diode (54) “on the printed circuit board 51, beneath the translucent elastomeric keypad 30...[to] variably illuminates the panel 53” (page 5, lines 15-21). Wohl et al. also discloses a sliding member (16) that is manually slid between open and closed positions. Notably, this sliding operation of the sliding member (16) is performed entirely independent of any output from the light sensitive diode (54). In contrast, the invention of Claim 1 utilizes *the output signal from the photo-sensor to deactivate the*

*opening/closing device.*

Nowhere does Wohl et al. disclose or suggest utilizing the output of a light sensor *to deactivate the opening/closing device*, as in amended Claim 1. None of the other cited references cure this defect.

Turning now to the other pending independent claim, Claim 9 includes a recitation of *a detector operative to detect an intermediary open position*. The Examiner admitted that Till “does not disclose a detector to detect the opening angle of the opening/closing device and generate a signal to send to the motor controller” (Office Action, bottom of page 2), and further admitted that the combination of Till and Pehrsson “do not specifically disclose a method to deactivate the motor of the opening/closing device in the open position of the sub body” (Office Action, page 3). The Examiner alleged that “it is inherent that...the motor stops/deactivates in order to prevent the damage of the motor if running in the fully open position and also to protect the cover/flip from breaking” (Office Action, page 3). The Examiner refers to a U.S. Patent No. 4,124,055 (“Aspenson et al.”) as allegedly “showing this feature in an opening/closing device” (Office Action, bottom of page 2, discussed further at the “Conclusion” section at page 6, but not cited against the claims).

The inherent operation alleged by the Examiner is only applicable at fully opened and fully closed positions, and does not apply to the intermediary positions between fully open and fully closed. Aspenson et al., which the Examiner alleged explains such “inherent operation,” discloses an apparatus for opening a canopy door. Further, Aspenson et al. discloses a device

for moving the canopy from a “fully closed position” (Col. 5, line 6) to a fully open position, which is recognized by the reaching of a “limit switch” (Col. 5, line 21).

In contrast to teaching of Aspenson et al., the detector of the invention of Claim 9 is *operative to detect an intermediary open position*. Neither Till nor Pehrsson et al. disclose such recitation. None of the other cited references cure this defect.

Accordingly, Claims 1 and 9 are believed to be in condition for allowance. Without conceding the patentability *per se* of the dependent claims, Claims 2-8 and 10 are believed to be in condition for allowance for at least the above reasons.

Accordingly, it is respectfully submitted that all of the pending claims, i.e. Claims 1-10, are in condition for allowance. If the Examiner has any questions regarding this communication, the Examiner is requested to contact the undersigned.

Respectfully submitted,



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